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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 PATRICK GATHIGI KARANJA,

10 Plaintiff,

11 v.

12 ASSOCIATE WARDEN, *et al.*,

13 Defendants.

No. C09-5391 RBL/KLS

**REPORT AND RECOMMENDATION
NOTED FOR: December 18, 2009**

14 This civil rights action has been referred to the undersigned United States Magistrate
15 Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

16 It has been more than sixty days since the Court's latest mailings to Plaintiff were
17 returned and the Court does not have a current address for the Plaintiff. Therefore, the
18 undersigned recommends that the Court dismiss this action as Plaintiff appears to have
19 abandoned his case.
20

21 **DISCUSSION**

22 On July 14, 2009, the court granted Plaintiff's application for leave to proceed *in forma*
23 *pauperis* and filed his complaint. Dkts. 5 and 6. On August 6, 2009, the court ordered Plaintiff
24 to amend or show cause why his complaint should not be dismissed for failure to state a claim.
25 Dkt. 7. Plaintiff was directed to respond to the court's Order on or before August 28, 2008. *Id.*
26 The court's Order to Show Cause was returned, marked "undeliverable" and "released." Dkt. 9.

REPORT AND RECOMMENDATION - 1

1 Plaintiff has not notified the Court of his current address.

2 Local Rule 41(b)(2) states:

3 A party proceeding pro se shall keep the court and opposing parties advised as to
4 his current address. If mail directed to a pro-se plaintiff by the clerk is returned
5 by the post office, and if such plaintiff fails to notify the court and opposing
6 parties within sixty days thereafter of his current address, the court may dismiss
7 the action without prejudice for failure to prosecute.

8 This action has existed more than sixty days without an address for the Plaintiff.

9 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned
10 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local
11 Rule 41(b)(2).

12 CONCLUSION

13 The Court should dismiss this action without prejudice as Plaintiff has left no forwarding
14 address and appears to have abandoned the case.

15 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
16 Procedure, the parties shall have ten (10) days from service of this Report to file written
17 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
18 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
19 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
20 **December 18, 2009**, as noted in the caption.

21 DATED this 24th day of November, 2009.

22
23 
24 Karen L. Strombom
25 United States Magistrate Judge
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